

Department of Community Planning and Economic Development – Planning Division
Variance
BZZ-5569

Date: June 7, 2012

Applicants: Wooden Dreams

Address of Property: 1935 Penn Avenue South

Contact Person and Phone: Howard Theis, (651) 636-7645

Planning Staff and Phone: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: May 11, 2012

End of 60 Day Decision Period: July 10, 2012

Ward: 7 Neighborhood Organization: Kenwood Isles Area Association

Existing Zoning: R1 Single-Family District

Zoning Plate Number: 17

Legal Description: Not applicable

Proposed Use: A new elevated walkway/deck

Variance: to reduce the front yard setback along Penn Avenue South from approximately 47 feet to approximately 30 feet to allow for an elevated walkway/deck to the front of an existing single-family dwelling

Zoning code section authorizing the requested variance: Chapter 525, Article IX Variances, Specifically Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations”.

Background: The subject property is an irregularly shaped lot, approximately 12,000 square feet in area and consists of an existing two and a half story single-family dwelling with an attached tuck-under garage that was constructed in 1954. The subject property is located on Penn Avenue South along the curve of the street. The existing dwelling is located approximately 36 feet, at the closest point, from the front property line. The applicant is proposing to construct a new elevated walkway/deck, 5 feet 9 inches in depth, across the front of the dwelling above the existing tuck-under garage. The adjacent structure to the north is located 60 feet from the front property line along Penn Avenue South. The adjacent structure to the south is located on a reverse corner lot and is approximately 5 feet from the front property line. The established setback created by connecting the two corners of the adjacent structures is approximately 47 feet. The minimum front yard setback in the R1 District for a single-

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family dwelling is 25 feet. However, the required front yard setback shall be the greater of either the established or district setback. In this case, the greater front yard setback is 47 feet. The elevated walkway/deck is not a permitted obstruction in the required front yard, in this case, based on the location and size. Therefore, the applicant is seeking a variance to reduce the required front yard setback along Penn Avenue South from approximately 47 feet to approximately 30 feet to allow for an elevated walkway/deck to the front of an existing single-family dwelling.

Staff has not received correspondence from the Kenwood Isles Area Association. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

Findings Required by the Minneapolis Zoning Code:

VARIANCE: to reduce the required front yard setback along Penn Avenue South from approximately 47 feet to approximately 30 feet to allow for an elevated walkway/deck to the front of an existing single-family dwelling.

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

The circumstances upon which the setback variance is requested are unique to the parcel of land due to the location of the adjacent structures and the existing grading of the property. The existing structure was constructed in its present location in 1954. The applicant is proposing to add an elevated walkway/deck, above the existing tuck-under garage to allow access to and from the north and south sides of the property. Given the placement of the subject house on the lot and the two adjacent structures any modification to the front of the property within 47 feet of the front property line would likely require a variance. Further, the existing grade change of the property makes accessing the north and south sides of the property difficult without the proposed walkway/deck. Staff believes that these circumstances have created practical difficulties in complying with the ordinance.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

The applicant is seeking a variance to reduce the required front yard setback along Penn Avenue South from 47 feet to approximately 30 feet for the proposed elevated walkway/deck. The existing structure was built in 1954 in its present location. The adjacent structures are setback at a great variable from the street; the structure to the north is set back approximately 60 feet and the structure to the south is setback only 5 feet. The purpose of yard requirements is to provide for orderly development and use of land and to minimize conflicts among land uses by governing the location of accessory uses and structures. The closest adjacent neighbor to the proposed structure is located 40 feet to the north of the proposed walkway/deck. Staff believes that the applicant is proposing to use the property in a reasonable manner.

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- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

Staff believes that the granting of this variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The proposed elevated walkway/deck will be compatible in materials to the existing structure. Further, granting of the variance will not increase the danger of fire safety or be detrimental to the public welfare or endanger the public safety.

Recommendation of the Department of Community Planning and Economic Development - Planning Division:

The Department of Community Planning and Economic Development – Planning Division recommends that the Board of Adjustment adopt the findings above and **approve** the variance to reduce the required front yard setback along Penn Avenue South from approximately 47 feet to approximately 30 feet to allow for an elevated walkway/deck to the front of an existing single-family dwelling located at 1935 Penn Avenue South in the R1 Single-Family District subject to the following conditions:

1. Approval of the final site and elevation plans by the Department of Community Planning and Economic Development – Planning Division.
2. All site improvements shall be completed by June 7, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The elevated walkway/deck shall have compatible materials to the existing structure.

Attachments:

- 1) Copy of letters sent to Kenwood Isles Area Association and CM Goodman with written descriptions and findings submitted by the applicant
- 2) Correspondence from a neighbor
- 3) Zoning map
- 4) Survey/Site plan
- 5) Elevations
- 6) Photographs

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